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Attorney's Docket No. 081468-0307393
Client Reference: P-1786.000-US

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Confirmation No.: 2880

BUTLER et al.

Application No.: 10/747,615

Group No.: 2851

Filed: December 30, 2003

Examiner: P. Kim

For: WIRELESS SIGNALING IN A LITHOGRAPHIC APPARATUS

REPLY TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Election of Species Requirement dated March 2, 2006, Applicants elect Species I, claims 1, 9, 16 and 17. Furthermore, as discussed with the Examiner during a teleconference, Applicants elect the sensor. These elections are made with traverse.

MPEP § 806.04(e) states: "Claims are definitions of inventions. *Claims are never species*. The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of the claim (and thus be designated a *generic or genus claim*). *Species are always the specifically different embodiments.*" (Italicized emphasis in original.)

It is respectfully submitted that the Examiner's determination that the species are defined by the claims is clearly incorrect. Claims are never species, as clearly indicated in the MPEP section discussed above.

In addition, MPEP § 808 states: "Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is